

FISCAL NOTE

TO: Chief Clerk of the Senate
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 8, 1995

SUBJECT: **SB 993 - HB 830**

This bill, if enacted, will allow, subject to the availability of suitable accommodations, the parent or guardian of a mentally retarded child under 18 years of age to petition the superintendent of any developmental center to admit the child for care and treatment. The decision of the parent or guardian that the center is appropriate shall be presumed to be correct, unless the superintendent has clear and convincing evidence that admission to the developmental center is inappropriate.

The fiscal impact from enactment of this bill is estimated to be an increase in state expenditures of \$1,036,400. This estimate is based upon a pool of 200 children identified by the Department of Mental Health and Mental Retardation on a waiting list for the Medicaid Model 200 Program for intensive supportive care in the community whose parents would seek admission to a developmental center. In order for the superintendent to determine that such admissions may be inappropriate, these children would have to be temporarily admitted for evaluation. Details are as follows:

Average per diem rate	\$ 172.74
-----------------------	-----------

SB 993 - HB 830

No. of children	x	200
Average 30-day admission	x	30
		<u>\$1,036,440</u>

Enactment of this bill is also estimated to result in an increase in state expenditures, to the extent that provisions of this bill place the state in violation of the federal court order issued in Saville v. Treadway and also orders issued in U.S. v Tennessee, from sanctions and fines. A reasonable estimate of the potential increase cannot be determined but is estimated to exceed \$100,000.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

****This bill has a memorandum on a proposed amendment that reduces the fiscal note on the original bill.**